

July 18, 2013

If it please the commission, My Name is Pat Riley and I am here on behalf of 1862 David Walley's Hot Springs Resort & Spa to voice the company's concerns with Ordinance No. 2013-1397 - specifically, the provisions regarding regulations for outside live entertainment and bars.

As you may know, our resort includes restaurants and a saloon and also features outdoor wedding venues. Our immediate concern is to determine how the ordinance applies to us and which of our activities must be limited or eliminated as a result of these new provisions. Our ongoing concern is that the ordinance as enacted does not meet the objectives of the commission and should be revisited.

The ordinance as it stands is extremely difficult for us to interpret. We have sought advice from members of the commission, from Mr. Waddle (the drafting attorney, Pronounced Wad-DELL) and from other business executives in the county affected by the ordinance. And in spite of our sincere efforts, we are unable to reconcile what we are hearing from others with the written ordinance, and we are still uncertain of the scope of the ordinance and what we have to do to comply.

One interpretation of the ordinance leads us to the conclusion that we are limited to 4 outdoor weddings per year. Another arrives at the conclusion if we add a 3rd liquor license to our resort, we can host unlimited events per year, if we secure a permit for each event. A third concludes that a wedding is not outdoor entertainment, and so on. But it does not stop there - we do not understand the provisions for "accessory uses", and how they differ from "outside entertainment" other than there are different time constraints. At this point we are quite frustrated with our inability to determine what we need to do, or avoid doing to comply. One thing is for certain - we have millions of dollars invested in this resort and we are working very hard to provide an exceptional wedding venue and vacation destination - and we find the new ordinance over-reaching, arbitrary, vague and unmanageable.

Tourism and entertainment are significant segments of the commerce of Douglas County, and we want to promote their growth, for the betterment of the communities, and the residents who live there. Our resort has been recognized as the "Best Wedding Venue" by Nevada Magazine two years running. We are a destination venue and week after week, we bring wedding parties from Nevada, California and beyond to the Genoa area. Our resort is a well known vacation destination also, and our owners and rental guests rightfully expect to find entertainment, indoor and seasonally outdoor, at the resort during their stay. The money our wedding and vacation guests infuse into the local economy is more than significant to the Genoa area - it is life sustaining to many merchants, restaurants and entertainment venues.

We absolutely subscribe to the notion that there must be regulation of outside entertainment to protect residents' interests. However, we are of the opinion that the existing ordinance does more harm than good in that regard, because it seemingly prevents establishments from conducting their core activities. If businesses cannot generate revenue, they cannot employ, they cannot purchase goods and services, and they cannot pay taxes. In that scenario, the resulting silence is anything but golden. Accordingly, we respectfully request the commission to reopen the matter of Ordinance 2013-1397. Our goal is for our company and other members of the Douglas County Tourism and Entertainment industries to join with you in exploring alternatives which meet the commission's objectives without imposing undue and unintended burdens on existing businesses, and administrative entry barriers to new ones.

Thank you for your kind consideration.

pat riley, walley's
EXHIBIT (for identification only)
General public comment
Filed 7/18/13
By Deputy



BOARD OF COMMISSIONERS

1594 Esmeralda Avenue, Minden, Nevada 89423

Steve Mokrohisky
COUNTY MANAGER
775-782-9821

COMMISSIONERS:
Greg Lynn, CHAIRMAN
Doug Johnson, VICE-CHAIR
Lee Bonner
Nancy McDermid
Barry Penzel

Date: July 18, 2013

To: Board of County Commissioners

From: Steve Mokrohisky *SM*

In accordance with NRS 251.030, please find a Special Account Report reflecting the condition of each fund in the treasury as of this date.

[Handwritten signatures in blue and red ink]
Doug N. Johnson
Nancy McDermid
Barry Penzel
[Red signature]

Cross Fund Report

From Date: 7/1/2013 - To Date: 7/31/2013

Summary Listing, Report By Fund - Account

Fund	Description	Paying Fund	Paying Fund Description	Beginning Balance	Total Debits	Total Credits	Ending Balance
101	General Fund	101	General Fund	\$6,691,736.91	\$1,319,974.54	\$2,283,773.50	\$5,727,937.95
201	Stabilization Fund	201	Stabilization Fund	\$359,400.71	\$0.00	\$0.00	\$359,400.71
202	Nv Cooperative Extension	202	Nv Cooperative Extension	\$256,825.72	\$0.00	\$4,596.40	\$252,229.32
204	Airport	204	Airport	\$1,844,240.83	\$155,706.30	\$39,127.36	\$1,960,819.77
208	Cash Trust	208	Cash Trust	\$52,924.08	\$256,248.82	\$19,345.73	\$289,827.17
210	Douglas County Water Dist	210	Douglas County Water Dist	\$193,910.45	\$5,025.00	\$1,778.03	\$197,157.42
211	Solid Waste Mgmt.	211	Solid Waste Mgmt.	\$2,010,860.03	\$34,666.67	\$3,621.42	\$2,041,905.28
214	St Mv Accident Indigent	214	St Mv Accident Indigent	\$25,198.83	\$0.00	\$24,249.42	\$949.41
215	Medical Asst To Indigents	215	Medical Asst To Indigents	\$4,515,720.72	\$0.00	\$70,186.92	\$4,445,533.80
216	Social Services	216	Social Services	\$583,287.35	\$11,390.51	\$21,735.20	\$572,942.66
222	Law Library	222	Law Library	\$51,804.31	\$0.00	\$0.00	\$51,804.31
232	Road Operating	232	Road Operating	\$717,972.04	\$2,035.01	\$37,356.14	\$682,650.91
234	Room Tax	234	Room Tax	\$4,967,206.67	\$139,489.28	\$619,721.86	\$4,486,974.09
236	Tahoe-Douglas Trans.Dist.	236	Tahoe-Douglas Trans.Dist.	\$247,790.78	\$3,071.46	\$127,314.23	\$123,548.01
240	Justice Ct. Admin. Assess	240	Justice Ct. Admin. Assess	\$626,999.00	\$9,442.00	\$0.00	\$636,441.00
242	China Spring Youth Camp	242	China Spring Youth Camp	\$580,140.01	\$426.06	\$115,341.13	\$465,224.94
244	Western NV Regional Youth	244	Western NV Regional Youth	\$556,875.35	\$0.00	\$0.00	\$556,875.35
245	Erosion Control - Trpa	245	Erosion Control - Trpa	\$272,323.56	\$0.00	\$6,771.59	\$265,551.97
255	911 Emergency Services	255	911 Emergency Services	\$553,355.07	\$60.00	\$50,657.18	\$502,757.89
256	911 Surcharge	256	911 Surcharge	\$23,134.97	\$225.66	\$9,115.28	\$14,245.35
260	Senior Services Program	260	Senior Services Program	\$134,477.88	\$8,951.23	\$38,467.45	\$104,961.66
309	Self Insurance	309	Self Insurance	\$3,381,331.34	\$68,627.93	\$656,474.00	\$2,793,485.27
310	Self Ins.Dental Insurance	310	Self Ins.Dental Insurance	\$388,268.70	\$479.18	\$0.00	\$388,747.88
313	Motor Pool/Vehicle Maint	313	Motor Pool/Vehicle Maint	\$712,361.19	\$0.00	\$31,499.63	\$680,861.56
314	Water Utility	314	Water Utility	\$0.00	\$69.92	\$69.92	\$0.00
315	Ridgeview Water System	315	Ridgeview Water System	\$23,149.55	\$0.00	\$0.00	\$23,149.55

Cross Fund Report

From Date: 7/1/2013 - To Date: 7/31/2013

Summary Listing, Report By Fund - Account

Fund	Description	Paying Fund	Paying Fund Description	Beginning Balance	Total Debits	Total Credits	Ending Balance
316	Zephyr Water Utility Dist	316	Zephyr Water Utility Dist	\$508,168.71	\$5,347.24	\$16,299.05	\$497,216.90
317	West Valley Water System	317	West Valley Water System	\$0.00	\$0.00	\$0.00	\$0.00
318	East Valley Water System	318	East Valley Water System	\$0.00	\$1,031.65	\$1,031.65	\$0.00
319	Cave Rock/Uppaway Wtr.Sys	319	Cave Rock/Uppaway Wtr.Sys	\$903,104.43	\$9,040.64	\$25,944.24	\$886,200.83
320	Skyland Water System	320	Skyland Water System	\$452,190.80	\$6,044.65	\$13,768.40	\$444,467.05
321	Foothill Water Utility	321	Foothill Water Utility	\$0.00	\$0.00	\$0.00	\$0.00
322	Sheridan Acres Water Utility	322	Sheridan Acres Water Utility	\$0.00	\$0.00	\$0.00	\$0.00
324	Regional Water Fund	324	Regional Water Fund	\$517,817.60	\$965,265.99	\$49,012.09	\$1,434,071.50
325	Sewer Utility	325	Sewer Utility	\$3,050,955.16	\$34,744.74	\$67,200.79	\$3,018,499.11
326	Carson Valley Water Utility	326	Carson Valley Water Utility	\$3,289,035.53	\$47,283.17	\$53,005.77	\$3,283,312.93
340	Water-Debt Service	340	Water-Debt Service	\$0.00	\$0.00	\$0.00	\$0.00
341	Sewer-Debt Service	341	Sewer-Debt Service	\$0.00	\$0.00	\$0.00	\$0.00
350	W.Valley 2010 Bond(317)	350	W.Valley 2010 Bond(317)	\$318,238.79	\$0.00	\$109,130.97	\$209,107.82
351	E.Valley 2010 Bond(318)	351	E.Valley 2010 Bond(318)	\$318,238.79	\$0.00	\$109,130.95	\$209,107.84
401	Extraordinary Maintenance	401	Extraordinary Maintenance	\$643,338.86	\$0.00	\$0.00	\$643,338.86
405	Ad Val Capital Projects	405	Ad Val Capital Projects	\$3,683,754.46	\$0.00	\$2,931.54	\$3,680,822.92
410	County Construction	410	County Construction	\$1,840,726.08	\$80,496.40	\$112,797.30	\$1,808,425.18
420	Park Resident.Const.Tax	420	Park Resident.Const.Tax	\$1,381,668.09	\$4,432.00	\$0.00	\$1,386,100.09
430	Regional Transportation	430	Regional Transportation	\$2,977,371.98	\$37,020.50	\$21,362.87	\$2,993,029.61
440	Capital Projects-Debt Financed	440	Capital Projects-Debt Financed	\$12,896,334.09	\$0.00	\$0.00	\$12,896,334.09
540	County Debt Service	540	County Debt Service	\$0.00	\$0.00	\$0.00	\$0.00
541	Co Debt/Other Resources	541	Co Debt/Other Resources	\$2,217,317.01	\$0.00	\$0.00	\$2,217,317.01
605	Dc Redevelopment-Admin.	605	Dc Redevelopment-Admin.	\$171,131.45	\$0.00	\$2,444.71	\$168,686.74
606	Dc Redevel.-Cap.Projects	606	Dc Redevel.-Cap.Projects	\$558,619.51	\$0.00	\$0.00	\$558,619.51
607	Dc Redevel.-Debt Service	607	Dc Redevel.-Debt Service	\$0.00	\$0.00	\$0.00	\$0.00
610	Gardnerville Town	610	Gardnerville Town	\$534,427.21	\$4,730.00	\$39,114.95	\$500,042.26

Cross Fund Report

From Date: 7/1/2013 - To Date: 7/31/2013

Summary Listing, Report By Fund - Account

Fund	Description	Paying Fund	Paying Fund Description	Beginning Balance	Total Debits	Total Credits	Ending Balance
611	Gardnerville Health & San	611	Gardnerville Health & San	\$716,532.84	\$21,593.09	\$33,471.25	\$704,654.68
613	Gardnerville Debt	613	Gardnerville Debt	\$119.63	\$0.00	\$0.00	\$119.63
614	G'ville Ad Val Cap Proj	614	G'ville Ad Val Cap Proj	\$115,256.22	\$1,467.77	\$0.00	\$116,723.99
620	Genoa Town	620	Genoa Town	\$156,726.99	\$16,839.68	\$8,092.45	\$165,474.22
622	Genoa Ad Val Cap Projects	622	Genoa Ad Val Cap Projects	\$8,204.05	\$52.14	\$0.00	\$8,256.19
624	Genoa Construction Res	624	Genoa Construction Res	\$32,702.34	\$0.00	\$0.00	\$32,702.34
630	Minden Town	630	Minden Town	\$533,612.31	\$2,640.75	\$40,579.07	\$495,673.99
631	Minden Ad Val Cap Project	631	Minden Ad Val Cap Project	\$150,828.81	\$1,411.63	\$26,500.00	\$125,740.44
635	Minden Trash	635	Minden Trash	\$432,223.98	\$55,731.35	\$11,535.10	\$476,420.23
636	Minden Cap.Equip./Constr.	636	Minden Cap.Equip./Constr.	\$1,904,995.51	\$0.00	\$9,730.90	\$1,895,264.61
639	Minden Wholesale Water Utility	639	Minden Wholesale Water Utility	\$163,012.44	\$37,569.20	\$35,630.15	\$164,951.49
640	Minden Town Water	640	Minden Town Water	\$3,588,862.21	\$296,361.23	\$246,237.85	\$3,638,985.59
650	Effpd	650	Effpd	\$1,704,034.05	\$5,464.76	\$536,876.72	\$1,172,622.09
651	Effpd Emergency Fund	651	Effpd Emergency Fund	\$806,164.71	\$0.00	\$0.00	\$806,164.71
652	Effpd Equipment Reserve	652	Effpd Equipment Reserve	\$386,900.39	\$0.00	\$4,375.54	\$382,524.85
653	Paramedic District	653	Paramedic District	\$381,528.32	\$28,610.30	\$1,420.96	\$408,717.66
654	Effpd Construction Res	654	Effpd Construction Res	\$93,258.95	\$0.00	\$0.00	\$93,258.95
655	MOSQUITO DISTRICT	655	MOSQUITO DISTRICT	\$0.00	\$0.00	\$0.00	\$0.00
656	PARAMEDIC CONSTRUCTION	656	PARAMEDIC CONSTRUCTION	\$0.00	\$0.00	\$0.00	\$0.00
657	East Fork Debt Service	657	East Fork Debt Service	\$2,198.60	\$0.00	\$0.00	\$2,198.60
710	School District	710	School District	\$207,275.80	\$60,435.34	\$207,275.80	\$60,435.34
720	School Dist. Debt	720	School Dist. Debt	\$23,428.79	\$0.00	\$23,428.79	\$0.00
804	Carson Water Sub	804	Carson Water Sub	\$5,620.31	\$0.00	\$5,620.31	\$0.00
806	Cave Rock	806	Cave Rock	\$69.95	\$0.00	\$69.95	\$0.00
808	Dcsid M&O	808	Dcsid M&O	\$4,854.90	\$0.00	\$4,854.90	\$0.00
810	Elk Point Sanitation	810	Elk Point Sanitation	\$12.35	\$0.00	\$12.35	\$0.00

Cross Fund Report

From Date: 7/1/2013 - To Date: 7/31/2013

Summary Listing, Report By Fund - Account

Fund	Description	Paying Fund	Paying Fund Description	Beginning Balance	Total Debits	Total Credits	Ending Balance
811	Gardnerville Main Street	811	Gardnerville Main Street	\$111,025.56	\$2,619.75	\$2,812.42	\$110,832.89
812	Gardnerville Rancho Gid	812	Gardnerville Rancho Gid	\$3,327.95	\$0.00	\$3,327.95	\$0.00
813	Genoa Lakes District	813	Genoa Lakes District	\$452,790.53	\$0.00	\$0.00	\$452,790.53
814	Indian Hill	814	Indian Hill	\$1,502.68	\$0.00	\$1,502.68	\$0.00
815	G'ville Mainstreet Rev.Ln	815	G'ville Mainstreet Rev.Ln	\$0.00	\$0.00	\$0.00	\$0.00
818	Kingsbury Gid	818	Kingsbury Gid	\$3,016.91	\$0.00	\$3,016.91	\$0.00
822	Lakeridge	822	Lakeridge	\$185.51	\$0.00	\$185.51	\$0.00
823	Legal Services	823	Legal Services	\$18,442.70	\$280.00	\$0.00	\$18,722.70
824	Logan Creek	824	Logan Creek	\$1,367.68	\$0.00	\$1,367.68	\$0.00
826	Mgsd	826	Mgsd	\$1,571.74	\$0.00	\$1,571.74	\$0.00
829	NV Tahoe Conserv.Dist.	829	NV Tahoe Conserv.Dist.	\$0.00	\$0.00	\$0.00	\$0.00
830	Oliver Park	830	Oliver Park	\$371.51	\$0.00	\$371.51	\$0.00
834	Sierra Estates	834	Sierra Estates	\$201.00	\$0.00	\$201.00	\$0.00
836	Skyland	836	Skyland	\$209.27	\$0.00	\$209.27	\$0.00
838	Tahoe Douglas Sanitation	838	Tahoe Douglas Sanitation	\$751.69	\$0.00	\$751.69	\$0.00
839	Tahoe Douglas Fire	839	Tahoe Douglas Fire	\$22,718.03	\$0.00	\$22,718.03	\$0.00
840	Topaz Estates	840	Topaz Estates	\$3,060.92	\$0.00	\$3,060.92	\$0.00
842	Zephyr Cove	842	Zephyr Cove	\$11.66	\$0.00	\$11.66	\$0.00
844	Zephyr Heights	844	Zephyr Heights	\$214.66	\$0.00	\$214.66	\$0.00
846	Zephyr Knolls	846	Zephyr Knolls	\$45.77	\$0.00	\$45.77	\$0.00
847	Ef Swim Pool Dist Oper	847	Ef Swim Pool Dist Oper	\$27,968.55	\$0.00	\$27,968.55	\$0.00
848	Ef Swim Pool Debt	848	Ef Swim Pool Debt	\$18.28	\$0.00	\$0.00	\$18.28
850	Employee Benefit Trust	850	Employee Benefit Trust	\$820.19	\$824,470.70	\$24,267.24	\$801,023.65
852	T-D VISITORS AUTHORITY	852	T-D VISITORS AUTHORITY	\$0.00	\$0.00	\$0.00	\$0.00
853	Western NV Reg. Youth Fac.	853	Western NV Reg. Youth Fac.	\$0.00	\$0.00	\$0.00	\$0.00
855	Inmate Commissary Fund	855	Inmate Commissary Fund	\$58,156.31	\$1,456.35	\$611.90	\$59,000.76

Cross Fund Report

From Date: 7/1/2013 - To Date: 7/31/2013

Summary Listing, Report By Fund - Account

Fund	Description	Paying Fund	Paying Fund Description	Beginning Balance	Total Debits	Total Credits	Ending Balance
860	Profit From Tax Sale	860	Profit From Tax Sale	\$0.00	\$0.00	\$0.00	\$0.00
865	Unclaimed Monies	865	Unclaimed Monies	\$40,031.29	\$0.00	\$0.00	\$40,031.29
868	Library Gift Fund	868	Library Gift Fund	\$57,187.72	\$3,161.80	\$146.91	\$60,202.61
885	Mosquito District	885	Mosquito District	\$894,752.90	\$0.00	\$9,643.73	\$885,109.17
890	State Of Nevada	890	State Of Nevada	\$771,273.09	\$127,263.96	\$760,344.32	\$138,192.73
892	Department Of Wildlife	892	Department Of Wildlife	\$7,876.27	\$0.00	\$2,339.62	\$5,536.65
894	Range Improvements	894	Range Improvements	\$0.00	\$0.00	\$0.00	\$0.00
895	Sierra Forest Fire	895	Sierra Forest Fire	\$1,648.45	\$0.00	\$0.00	\$1,648.45
896	Refund Of Taxes	896	Refund Of Taxes	\$2,317.26	\$6,076.43	\$1,958.85	\$6,434.84
Grand Total: 113 Funds				\$79,935,025.13	\$4,704,832.78	\$6,848,740.28	\$77,791,117.63

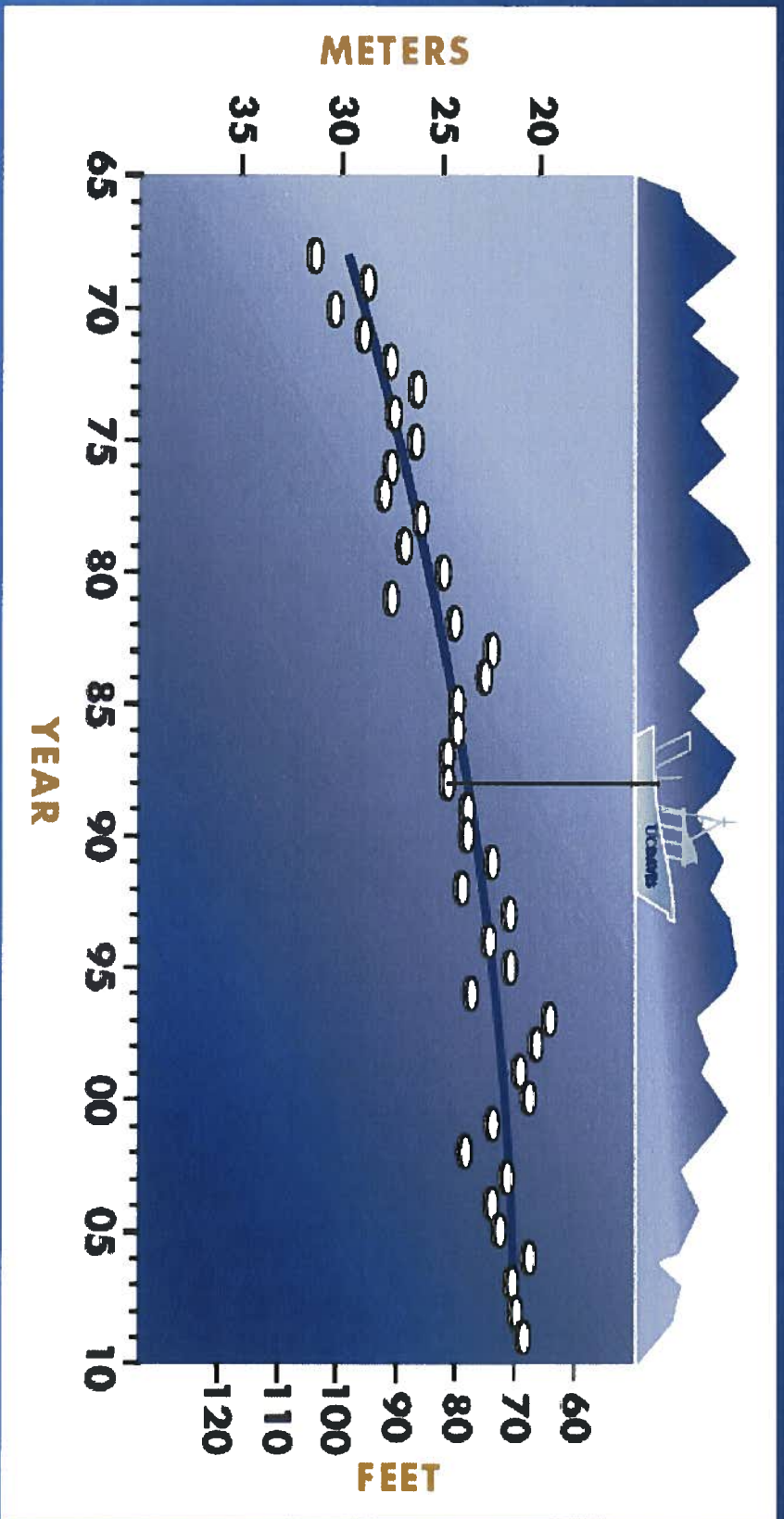
Interlocal Agreement to implement the Lake Tahoe TMDL

Board of County Commissioners
July 18, 2013

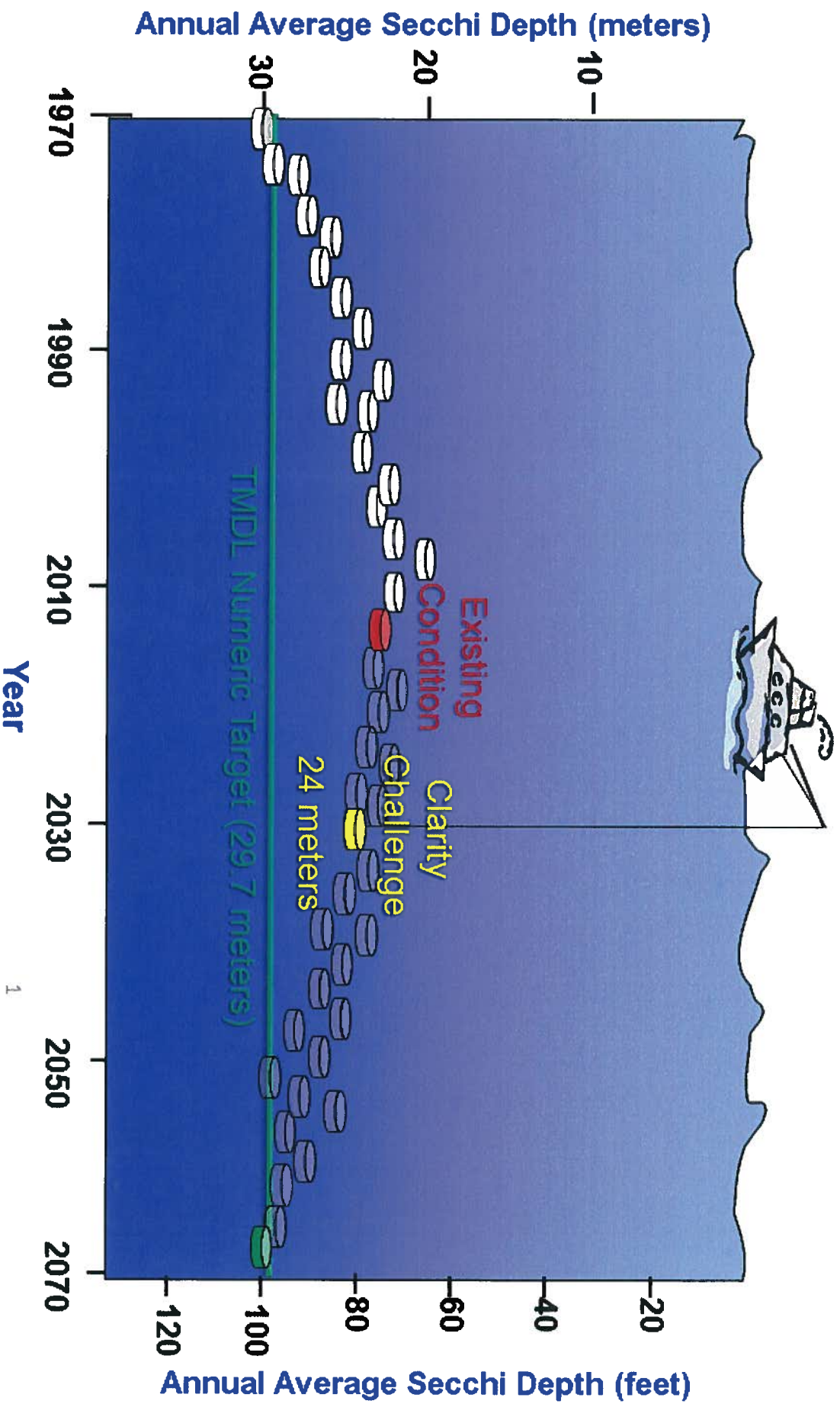
Item #3

EXHIBIT (For Identification only)
Filed 7/18/13 2013
By [Signature] Deputy

Problem: Clarity Decline



Lake Tahoe TMDL Goals



(note: timeframes are tentative and subject to revision)

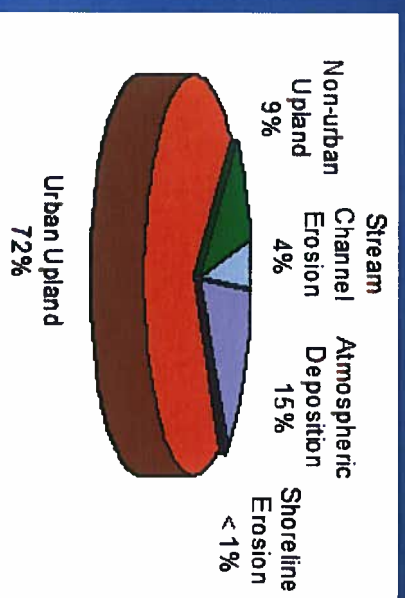
Fine Sediment Particles (FSP)



TMDL Implementation

Clarity goals hinge on urban stormwater fine sediment particle (FSP) load reductions

FSP Source Distribution



FSP Load Reduction Milestone Schedule (Percentage from 2004 Jurisdictional Baseline Values)

5-Year	10-Year	15-Year (Clarity Challenge)	65-Year (Numeric Target)
10%	21%	34%	71%

TMDL Implementation

- ❑ CA & NV urban jurisdictions responsible for reducing stormwater loads
- ❑ NDEP responsible for oversight of TMDL implementation
- ❑ NV entity collaboration to use an agreement approach

TMDL Implementation

INTERLOCAL AGREEMENT TO IMPLEMENT THE LAKE TAHOE TOTAL MAXIMUM DAILY LOAD

WHEREAS, as one of the rare large alpine deepwater lakes in the world with unique transparency, color and clarity, Lake Tahoe is designated a Water of Extraordinary Aesthetic or Ecologic Value; and

WHEREAS, degradation of Lake Tahoe's water quality threatens its ecological functions and its value as an outdoor recreation resource, international tourism attraction, and economic asset; and

WHEREAS, stormwater runoff from urban land uses is attributed to be the largest source of pollutant loads that impairs Lake Tahoe water quality and the management and control of storm water runoff provides the principal opportunity to control these pollutants; and

WHEREAS, to restore Lake Tahoe's water quality and clarity to acceptable levels, the United States Environmental Protection Agency (USEPA) approved the Lake Tahoe Total Maximum Daily Load (TMDL). Pursuant to NRS 445A.580, the Lake Tahoe TMDL is a component of the planning process established for impaired water bodies in Nevada, which the Parties believe may be more effectively achieved through the cooperative implementation of water quality improvement actions as opposed to a regulatory permit; and

WHEREAS, the Parties are public agencies as defined in NRS 277.100(1)(a); and

WHEREAS, NRS 277.110(2) provides that any two or more public agencies may enter into agreements with one another for joint or cooperative action under the provisions of NRS 277.080 to 277.170, inclusive; and






WHEREAS, the Parties have agreed to work together in good faith using a collaborative agreement approach to design implementation plans and invest in water quality improvement actions to implement the TMDL on a feasible schedule.

NOW, THEREFORE, the Parties hereby execute and abide by the terms and conditions contained within this Interlocal Agreement (Agreement).

- ☐ Signatory Parties are Douglas County & NDEP
- ☐ County to lead implementation
- ☐ Joint management actions with GIDs may be necessary
- ☐ Board approval and signature requested

Commitments & Actions

1. Stormwater Load Reduction Plan

Phase	Tasks	Funding	Status
1a	Infrastructure mapping, connectivity assessment		
1b	Baseline loading, Existing Loading		
2	Actions & Strategies, Budget & Finance Plan		

SLRP Results to Date

2004 Baseline FSP Load 82,817 lbs
2012 Existing FSP Load* - 70,063 lbs

* Preliminary; subject to revision

12,754 lbs

$$(12,754 \div 70,063) \times 100\% \approx 15\%$$

FSP Load Reduction Milestone Schedule (Percentage from 2004 Jurisdictional Baseline Values)

5-Year	10-Year	15-Year (Clarity Challenge)	65-Year (Numeric Target)
10%	21%	34%	71%

Future Projects and FSP Reduction

Location	FSP Reduction	Total Cost	Funders
Zephyr Cove GID	190 DC 3,202 NDOT	\$750,000	\$300,000 - USFS \$150,000 - NDSL \$300,000 - NDOT
Cave Rock GID	1,014	\$250,000	\$75,000 - DC TRPA WQMF \$50,000 - CRGID \$125,000-USFS
Burke Creek	2,219 DC 932 NDOT	\$1,945,000	\$958,000 - USFS \$300,000 - NDOT \$587,000 - NDSL \$100,000 - TRPA DC SEZ Mitigation Funds

Up to 24% reduction which is greater than the 21% 10-year goal

SLRP Results to Date

Caveats, Conclusions and Next Steps

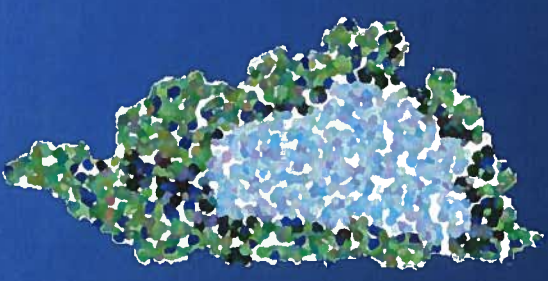
- ❑ Existing FSP load estimate assumes all stormwater treatment and private parcel BMPs are properly functioning
- ❑ Short-term costs to implement the TMDL include registering catchments and increased maintenance
- ❑ SLRP Phase 2 will focus on identifying cost-effective strategies and actions

Commitments & Actions

2. Lake Clarity Crediting Program

- ❑ Standardized accounting system administered by NDEP
- ❑ County participates and receives credit for implementing ongoing, effective actions

Key to demonstrating
accountability and retaining
public support



Commitments & Actions

3. Monitoring and Inspection

- a) Condition Assessment Monitoring
 - ▣ Roadways
 - ▣ Stormwater Treatment BMPs
- b) Stormwater Monitoring
 - ▣ NDEP has approved Implementers Monitoring Plan (IMP), funded by USFS
 - ▣ Regional Stormwater Monitoring Program (RSWMP) effort soon to be initiated

Commitments & Actions

4. Annual Stormwater Report

- Summarizes progress toward meeting credit targets:
 - load reduction activities undertaken during the previous year
 - Planned activities for the next year
- Adjustments to the County's SLRP

ILA: Other Elements

- ❑ Term is thru August 16, 2016 but updated agreement expected to be renewed prior to this date
- ❑ NDEP will evaluate performance of the County and effectiveness of the agreement
- ❑ *Termination and Funding Out* clauses included, but opting out may result in issuance of permit

Next Steps

- ❑ BOCC approval and signature requested
- ❑ Please review ILA prior to August 15th BOCC Meeting
- ❑ County and NDEP staff available to answer any questions

Contact: Erik Nilssen, County Engineer
enilssen@co.douglas.nv.us 782-9063

Jason Kuchnicki, Lake Tahoe Watershed Program Manager, NDEP jkuchnic@ndep.nv.gov 687-9450

- ❑ Action will be taken at the August 15th BOCC meeting

Tahoe-Douglas Area Plan for Douglas County, Nevada

Board of Commissioners Meeting
July 18, 2013

Agenda Item #5



Request

For Possible Action. Discussion and direction on the development of the Tahoe-Douglas Area Plan (Phase II) for all properties under the jurisdiction of the Tahoe Regional Planning Agency (TRPA), consistent with the provisions of Chapter 13, *Area Plans*, in the TRPA Code of Ordinances.

EXHIBIT (for identification only)
Item #5 (draft)
Filed 7/18/13
By [Signature]
Deputy

Background on South Shore Area Plan

- ❑ February 2012 – Board directed staff to move forward with the South Shore Area Plan (SSAP). Master Plan filed in June, with final public hearing schedule set for April/May 2013 Master Plan cycle.
- ❑ Early Fall 2012 – Staff began developing draft SSAP documents and Requests for Proposals for consultants.
- ❑ December 2012 – Regional Plan adopted.
- ❑ January 2013 – Douglas County and TRPA staff began meeting weekly to prepare SSAP documents and the County entered into a contract with Design Workshop to develop the South Shore Design Standards and Guidelines.
- ❑ February 2013 – The County began posting draft documents associated with the SSAP on the Douglas County website to gather public input; the County entered into a contract with Ascent Environmental, Inc. to develop an Initial Environmental Checklist (IEC); and the Board directed staff to move forward with the SSAP and then amend it to create one Area Plan for the entire Tahoe Planning Area (by end of 2013).

Background on South Shore Area Plan - Continued

- ❑ March - May 2013 – Public workshops, PC and BOCC meetings held on SSAP. MOU for residential permitting adopted by BOCC May 16th.
- ❑ June 20, 2013 – The Board adopted the SSAP and all related documents.
- ❑ June 26, 2013 – The TRPA Regional Plan Implementation (RPI) Committee reviewed the SSAP and voted to continue the item to give staff an opportunity to respond to public comments and for Ascent Environmental to complete additional environmental analysis.
- ❑ July 18, 2013 – The TRPA RPI Committee is scheduled to review the SSAP, staff's response to public comments, and an updated IEC.
- ❑ August 14, 2013 – The TRPA Advisory Planning Commission is scheduled to review the SSAP.
- ❑ August 28, 2013 – The TRPA Governing Board is scheduled to review the SSAP.

8-9 months to complete County process



South Shore Area Plan Schedule Delays

- ❑ Staff believed that the SSAP could be submitted to TRPA in May, following a first reading of the ordinances. However, the TRPA informed staff that the TRPA code required the County to adopt the SSAP before submittal to TRPA.
- ❑ The South Shore Design Standards and Guidelines were not ready for the April Planning Commission meeting.
- ❑ The TRPA RPI Committee voted to continue the SSAP at the June 26th meeting based on public comment at the meeting and requested that additional environmental analysis be completed.
- ❑ The TRPA Advisory Planning Commission/Governing Board will now review the SSAP at their meetings in August.
- ❑ Any changes to the Area Plan must come back to the County for final approval (Sept./Oct.).



Tahoe-Douglas Area Plan Progress to Date

- ❑ The Master Plan Land Use Element already includes background information, current conditions, and goals, policies, and actions to address identified issues for the entire Tahoe Planning Area. It also includes a chart (Figure 2.11) for moving forward with developing a Future Land Use Map and Zoning Map for the Tahoe-Douglas Area Plan.
- ❑ The Tahoe Area Plan Regulations already include definitions for new zoning districts and most of the necessary code language to implement an Area Plan in Douglas County.
- ❑ The Douglas County Planning and GIS Departments are in the process of preparing a draft Future Land Use Map for the Tahoe-Douglas Area Plan. Once it is complete, we will begin working on developing a Zoning Map.

Environmental Review for Tahoe-Douglas Area Plan

One of the following environmental documents will need to be prepared for the Tahoe-Douglas Area Plan:

- ☐ **Initial Environmental Checklist (IEC)**
- ☐ **Environmental Assessment (EA)**
- ☐ **Environmental Impact Statement (EIS)**

- Ascent Environmental, Inc. estimates it would cost \$50,000 to \$300,000 to prepare an environmental document for the Tahoe-Douglas Area Plan. The type of environmental document that will be required and the actual cost is contingent upon the amount of changes that the County proposes. It takes approximately 18 months to prepare and process an EIS.

- Environmental safeguards in the existing Community Plan (Round Hill) and 30 Plan Area Statements will need to be carried over into the Tahoe-Douglas Area Plan. If they are not carried over, additional environmental analysis will be required.

Option 1 – Tahoe-Douglas Area Plan

- ☐ Develop Future Land Use Map consistent with Regional Plan (no changes). Planning Commission in September and Board in October.
- ☐ The code changes, design guidelines, and environmental documentation would follow at a later date (potential hearings in December/January).
- ☐ Cost - approximately \$60,000 plus (Noticing, IEC, and Design Standards and Guidelines).



Option 2 – Tahoe-Douglas Area Plan

- ❑ Develop Tahoe-Douglas Area Plan, including changes in land use and zoning for the Tom Hall property, the Kingsbury Manor Mobile Home Park site, based on prior direction from the Board.
- ❑ Public hearings in April/May 2014 – next master plan cycle.
- ❑ Cost - approximately \$100,000 plus (Noticing, EA/EIS, and Design Standards and Guidelines).



Option 3 – Tahoe-Douglas Area Plan

- ❑ Accept requests by property owners for changes to the Future Land Use Map and Zoning Map, as well as requests to allow new uses that may not currently be allowed. Past discussions have included the Round Hill Community Plan Area, the Kingsbury Middle School site, the Beach Club and Sierra Colina sites.
- ❑ Timelines for completion of this option are dependent on the level of environmental review required (Estimated at nine months to 1.5 years).
- ❑ Cost - approximately \$100,000 to \$300,000 (Noticing, EIS, and Design Standards and Guidelines).



Tahoe-Douglas Area Plan Process

- ❑ Update the Master Plan, Chapter 2, Land Use Element, Tahoe Planning Area, and Future Land Use Map.
- ❑ Update the Official Zoning Map.
- ❑ Update the Tahoe Area Plan Regulations to include development standards and permitted uses.
- ❑ Move forward with entering into a contract with an architectural consultant to update the Design Standards and Guidelines for Round Hill and the Kingsbury Middle School site.
- ❑ Move forward with entering into a contract with an environmental consultant to review all draft Tahoe-Douglas Area Plan documents to ensure consistency with what was analyzed in the Regional Plan EIS, ensure that existing environmental safeguards in the 30 Plan Area Statements and Round Hill Community Plan proposed to be replaced are carried over into the Area Plan, and review development standards and permitted uses proposed in the Tahoe Area Plan Regulations.



Tahoe-Douglas Area Plan Process – cont'd

- ❑ Prepare the TRPA Regional Plan Conformance Checklist.
- ❑ Post draft documents on the Douglas County website for public comment.
- ❑ Notice property owners and conduct public workshops.
- ❑ Based on the option chosen, bring forward a draft Tahoe-Douglas Area Plan for review and consideration by the Board, get direction from the Board on any identified issues, and direct staff to hire an environmental consultant to complete the necessary environmental documentation.
- ❑ If the environmental documentation is complete, take all related items to the Planning Commission on April 8, 2014 and Board on May 15, 2014.

Estimated Costs

Task	Activity	Approximate Cost
Update Design Standards and Guidelines	Architectural Consultant	\$5,000 to \$7,000
Environmental Documentation*	Environmental Consultant – IEC, EA, or EIS	\$50,000 to \$300,000
Workshops and Noticing**	Two to Three Notices	\$4,312
TOTAL		\$59,312 to \$311,312

Recommendation

Direct the Community Development Department to move forward with the preparation of the Tahoe-Douglas Area Plan (Phase II) as discussed under:

Option 1,

Option 2,

Option 3, or

Other Option proposed by the Board.



RECEIVED

JUL 17 2013

DOUGLAS COUNTY CLERK

Page 1 of 1

Date: July 17, 2013

To: Douglas County Board of Commissioners

From: The League to Save Lake Tahoe

Re: Comment on Tahoe-Douglas Area Plan (Phase II)

Dear Douglas County Board of Commissioners,

The League to Save Lake Tahoe has been fortunate to work closely with Douglas County and Tahoe Regional Planning Agency (TRPA) Staff throughout the South Shore Area Plan process. Douglas County staff has worked diligently in responding to the League's comments and addressing concerns through the planning stages. We hope that in moving forward with the second phase of the planning process, the League and Douglas County Staff will continue the line of communication and working together through any issues. The League has reviewed the staff Memorandum summarizing the three options being presented to this Board for the Tahoe-Douglas Area Plan (Phase II).

The League recommends that this Board directs staff to move forward with Option 2. The area plan process is incredibly detail oriented and takes time for both public input and staff review. Option 2 would allow for the necessary environmental review and ample time for public input. It is also the proposal that this Board approved and gave prior direction to Douglas County Staff resulting from the May Douglas County Board of Commissioners' meeting. Option 1 would not allow for enough environmental review and would require strain on Douglas County and TRPA Staff's time for preparation. It would also limit the opportunities for public input. Option 3 would require extensive environmental review with significant new use proposals. The new uses would also likely require additional amendments to the TRPA Regional Plan Update which would also require extensive environmental review. This would significantly delay the approval process for the Tahoe-Douglas Area Plan (Phase II), when the initial intention of the second Douglas County Area Plan was to include residents that had been excluded from the South Shore Area Plan.

The League believes that Option 2 will not only follow the original direction from this Board, but provide for environmental benefits that could be hindered by Options 1 and 3. We appreciate the opportunity to provide our input and look forward to continue to work with Douglas County in the next planning phases.

Sincerely,

Shannon Eckmeyer

Policy Analyst

League to Save Lake Tahoe

Diedrichsen, Lorraine

RECEIVED

From: Moss, Mimi
Sent: Monday, July 15, 2013 3:33 PM
To: Diedrichsen, Lorraine
Cc: McMahon, Brandy
Subject: FW: July 18, 2013 Agenda Item #5 regarding amending First Area Plan

JUL 15 2013

DOUGLAS COUNTY CLERK

FYI. Public comment on Item no. 5 for Thursday's BOCC meeting. I will copy for the public. Thanks, Mimi

From: Gary Midkiff [mailto:gary@midkiffandassoc.com]
Sent: Monday, July 15, 2013 2:44 PM
To: Lynn, Greg; McDermid, Nancy; Bonner, Lee; Penzel, William; aught6@charter.net; mcdermid@charter.net; lee@leebonner.com; barry89423@gmail.com
Cc: Moss, Mimi; McMahon, Brandy; Mokrohisky, Stephen
Subject: July 18, 2013 Agenda Item #5 regarding amending First Area Plan

July 15, 2013

RE: July 18, 2013 Agenda Item #5 regarding amending First Area Plan

Dear Douglas County Commissioners,

In February, the Board committed to Tahoe homeowners and businesses that were excluded from the South Shore Area Plan (SSAP) to adopt by year-end a comprehensive Area Plan wherein all Tahoe Township parcels and uses outside the SSAP would be analyzed using the same public planning process and delegated powers that were incorporated into the SSAP.

Overview:

Based on the July 18, 2013 Staff report to the Board, it now appears impossible for Staff to comply with that February commitment by year-end. Although the delay is discouraging, it is more important to extend the target completion date for the "Phase 2" Area Plan and adopt a comprehensive Phase 2 Area Plan (the Staff report's Option #3) in the Spring of 2014 than to rush a plan that would be inferior to the SSAP. Adopting a "cosmetic" Area Plan by year-end (the Staff report's Option #1) would be harmful to the County's and Public's ultimate interests and would damage the Phase 2 parcels by treating them differently than the SSAP parcels.

Although Staff appears to be trying to be responsive to the Board's February direction with its "superficial shell" Phase 2 Area Plan Option #1, please do not adopt an Area Plan in name only just to "meet the February schedule" previously announced. The parcels outside the current SSAP deserve the same careful analysis and planning consideration in adopting a Phase 2 Area Plan as the Board and Staff applied to the first Area Plan. Equal representation of constituents obligates the County to allocate the necessary amount of time and resources to fully and carefully conceive and adopt a comprehensive Area Plan for the balance of the Tahoe Township in a process comparable to the SSAP planning process (Option #3).

Discussion:

As Option #1 to the Board, the Staff Report suggests maintaining the "February schedule" by adopting an amendment to the SSAP by year-end which expands the SSAP to the entire Tahoe Township, but which makes no change to and includes no analysis of any of the TRPA land use rules which have governed the remaining parcels in the Tahoe Township for 40 years (beyond those already adopted in the SSAP). Since the County will eventually utilize its delegated authority in the final Phase 2 Area Plan to make land use and/or zoning changes to some parcels or areas in the Tahoe Township, Staff proposes to accomplish that by (i) adopting a "shell" Area Plan in late 2013, (ii) commencing this Fall the proper environmental and planning

process used for the SSAP on a parcel and an area-wide basis; and (iii) using that environmental and planning process to amend in 2014 the “shell” Phase 2 Area Plan rushed through in late 2013, by including the planning changes which the County should have originally included in the Phase 2 Area Plan. This approach would further harm the parcels previously excluded from the SSAP.

Adopting a “rush job” Area Plan by year-end just to include the entire Tahoe Township at the cost of no planning or environmental review for the second group of parcels would provide no incremental benefits to homeowners because the County already adopted an MOU for the entire Tahoe Township in May. Once approved by TRPA, the MOU will allow the County to oversee all residential land permits in the Tahoe Township. The incomplete Phase 2 Area Plan (Option #1) offered by Staff would add nothing to this MOU, and, even worse, the County would be consciously continuing TRPA’s harmful land use rules of the past, in conflict with the County’s stated motivation for supporting local delegation of authority in the RPU. Moreover, amending a deficient Phase 2 Area Plan in 2014, after the County has made findings in late 2013 that it meets all of the County’s planning needs, would subject all the “second class” parcels (i.e., those excluded from the SSAP) to further disparate treatment in 2014.

The comprehensive Phase 2 Area Plan should incorporate all land use and zoning changes which the Board determines, in conjunction with public and property owner input, will encourage environmental improvements and economic activity and are consistent with the RPU. In light of the Staff time and County resources spent preparing the first Area Plan, the Board should direct Staff to proceed with Option #3, and to comprehensively prepare the Phase 2 Area Plan with equal care and resources. The Board should direct Staff to start this planning process now, and target the Phase II Area Plan adoption within the April/May 2014 Master Plan Amendment window open to the County.

The rationale behind the RPU’s local delegation is to give the County broad discretion to change existing and outdated land use maps and Community Plan boundaries. Quoting from the RPU:

“In order to be responsive to the unique needs and opportunities of communities, local governments are **ENCOURAGED** to prepare conforming Area Plans which **SUPERSEDE** their existing plan area statements and community plans”. [LU-4.6 & 4.13]

County Staff and the RPU interpret this delegation of authority to empower the Board to apply this planning authority when drafting an Area Plan:

- (i) To change the outmoded TRPA land use rules of the past;
- (ii) To look to the future to “address the needs of the community”;
- (iii) To aggressively apply the RPU’s flexible land use criteria; and
- (iv) To work with the private sector, as the County worked with Edgewood and the casinos, to achieve environmental improvements and economic growth through RPU incentives which can be utilized by the private sector at no financial cost to the County.

Why spend taxpayer resources to adopt a Phase II Area Plan which maintains TRPA’s failed policies of the past (i.e., Staff report Option #1)? Why pursue a 2-step Phase 2 Area Plan process where specific land use or zoning changes would be later questioned outside the context of the approval of a comprehensive Area Plan for that neighborhood, subjecting certain Phase 2 parcels to an ad-hoc attack which the SSAP parcels did not face? A 2-step approach to the Phase 2 Area Plan would harm the very interests and small businesses that the County claims it wants to incent to generate environmental improvements and economic growth.

Conclusion:

Respectfully, the Board has a duty to allocate the necessary amount of time and resources to fully and carefully conceive and adopt a comprehensive Area Plan for the balance of the Tahoe Township, just as it did for the SSAP parcels. The Board should incorporate in it all land use and zoning changes which the Board determines are constructive and consistent with the RPU, and should direct Staff to target its adoption within the April/May 2014 Master Plan Amendment window. Although six months later than promised, this outcome would not waste public assets to fund duplicative planning processes, and would allow the parcels outside the

SSAP to receive the same consideration as those in the SSAP received, without being further disadvantaged by being subject to a 2014 Area Plan amendment process arising from a rushed and incomplete Phase 2 Area Plan for the Tahoe Township.

Sincerely,

Gary D. Midkiff
Principal

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